

EXHIBIT M



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EAP
07/28/92
S/a

RE: Patent Application for : Date: July 6, 1992
Greenspan et al : Group: Art Unit 1502
Serial No.: 07/786,804 ✓ : Examiner:
Filed: November 4, 1991 : Action: AMENDMENT
For: CITRUS OIL COMPOSITIONS AND :
USES THEREOF :
:

TO: The Commissioner of Patents and Trademark Office
Washington, DC 20231

RECEIVED
JUL 27 1992

Sir:

GROUP 150

In response to the Office Action dated 6 April 1992, please
amend the above identified application as follows:

In the specification

Page 1, delete the title " CITRUS OIL COMPOSITIONS AND USES
THEREOF and substitute --AN INSECTICIDE REPELLENT, ACNE
TREATMENT, SUNBURN TREATMENT AND RASH TREATMENT FORMULATED OF
CITRUS OIL COMPOSITIONS--.

Page 5, line 11, delete ";" and substitute --,--.

Page 6, line 12, delete "damages" and substitute --damaged--.

line 13, delete "damages" and substitute --damaged--.

Page 9, line 23, delete "base" and substitute --based--.

In the claims:

Claim 1, line 2, delete "tissues" and substituted --human
skin--.

3. (Once Amended) A ^{method} ~~composition~~ according to claim 1
wherein said emulsifying agent is an oat grain derivative product

A2
Cont'd

selected from a group consisting of: oat gum and oatmeal.

Please delete claim 4.

A3
Sub. 12

7. (Once Amended) A method of treating damaged human skin [tissue] by applying to [a] the damaged human skin [tissue] area the composition of claim 1.

Claim 8, line 2, delete "tissue" and substitute --human skin--.

Claim 10, line 2, delete "tissue" and substitute --human skin--;

line 3, delete "harmful".

Claim 11, line 2, delete "tissue" and substitute --human skin--.

Claim 14, line 3, delete "rash-causing poisonous" and substitute --dermatitis-causing--.

Claim 16, line 2, delete first and second occurrence of "tissue" and substitute in the first and second occurrence --skin--.

Claim 17, line 4, delete "an" and substitute --a grain based--.

Claim 22, line 2, delete "tissues" and substitute --skin--.

Claim 23, line 2, delete "tissues" and substitute --skin--.

Claim 24, line 4, delete "an" and substitute --a grain based--.

Claim 25, line 5, delete "ingredient";

line 9, delete "an" and substitute --a grain based--.

REMARKS

The Examiner rejected claims 1-25 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. To comply with the Examiner's suggestion, the Applicant has changed the word "tissue" throughout the claims to reflect "human skin".

The Examiner has requested that citrus oil be replaced by orange oil. The Applicant respectfully declines to change citrus oil to orange oil. Specify only orange oil in the claims is simply an incorrect statement of what the invention teaches. The invention has used various citrus oils including lemon oil, lime oil, tangerine oil, grapefruit oil, orange oil, etc. Therefore, the claims should cover what the invention actually teaches. Citrus oil appears to be adequately reflect what the invention teaches.

Claim 3 was amended to clearly specify what oat grain derivative products were being referred to in the claim.

Claim 10 was amended to delete the word harmful.

"Over-exposure of the tissue area" and "inflammatory condition of the skin" were considered indefinite terms by the Examiner. The Applicant has corrected over-exposure of the tissue are to

reflect over-exposure of the skin area.

The Applicant is at a loss as to what the Examiner finds vague about inflammatory condition of the skin. The definition of inflammatory in the dictionary says "a condition in which something is inflamed." "Inflamed" means "to be affected by inflammation." "Inflammation" when used in reference to skin tissue means "localized heat, redness, swelling and pain as a result of irritation, injury or infection." (See, The American Heritage Dictionary). Accordingly, Applicant does not understand the Examiner's position in this regard.

The Examiner has stated that rash-causing poisonous plant is considered indefinite. Rash-causing and dermatitis-causing are equivalent. Thus, the Applicant's attorney has replaced "rash-causing poisonous plant" with "dermatitis-causing plant".

The Examiner has requested that "an emulsifying agent" be amended to specify the agent. Therefore, "emulsifying agent" now has been amended to stated "grain based emulsifying agent".

The repetition of the word "ingredient" in claim 25 which the Examiner noted has been corrected.

Claims 1-6 and 17-25 were rejected under the judicially created doctrine of obviousness-type double patenting. Thus, filed concurrently with this Amendment, the Applicant has submitted two terminal disclaimers signed by Doug Greenspan who is an assignee and an inventor in the patent and William Ingram who is an assignee of the patent. The joint inventor, Phillip Low, no longer has any interest in the patent. Mr. Low's

interest has been jointly assigned to both Doug Greenspan and William Ingram.

The Examiner rejected claim 16 under 35 U.S.C. §103 as being unpatentable over Grant et al. The Applicant admits that Grant et al clearly shows that lemongrass has a constituent that is used as a mosquito repellent. However, lemongrass is a plant. Lemongrass is not a citrus oil nor has the prior art shown that citrus oil or orange oil are oils that are used as mosquito repellents. Therefore, Applicant submits that claim 16 is allowable as written.

Because the Applicant has submitted the terminal disclaimers and thus has removed all of the rejections to claims 1-6 and 17-25, the Applicant believes that claims 7-15 should be allowable as written.

The Examiner has required that Applicant rename the title of the invention; therefore, the Applicant has amended the title on page 1 of the specification to state "An Insecticide Repellent, Acne Treatment, Sunburn Treatment and Rash Treatment Formulated of Citrus Oil Compositions".


Filed concurrently with this Amendment is an abstract which the Examiner had requested that Applicant submit.

The Applicant submits that the present invention is now in complete form and should be allowable as amended. Action to this effect is courteously solicited from the Examiner. No other prior art patents alone or in combination fully and fairly disclose the structure now recited in the above discussed claims.

The Examiner is requested to grant an early allowance in this matter.

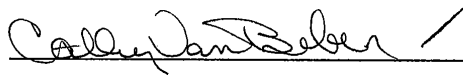
Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing AMENDMENT, TERMINAL DISCLAIMER AND ABSTRACT is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, DC 20231, on this 15 day of July, 1992.





ABSTRACT

The present invention is a composition that can be topically applied to human skin for cleaning the skin, for treating and/or relieving certain skin conditions, such as acne, sunburn and rashes. Furthermore, the composition can be used as an insect repellent. The present invention is formed of natural ingredients and contains citrus oil as an active constituent. The composition of the invention includes five percent to sixty percent by volume of citrus oil, and a pharmaceutically acceptable moisturizer for human skin, and an emulsifying agent. More specifically, the citrus oil can be orange oil, lemon oil, grapefruit oil, tangerine oil and the like with orange oil being the preferred oil. The pharmaceutically acceptable moisturizer is from a group consisting of glycerin, aloe vera, jojoba oil and safflower oil. The emulsifying agent may function as an emollient and is preferably made of a natural grain derivative particularly useful are oat gum and oat meal. The citrus oil and the moisturizer and the emulsifying agent are mixed in a ratio such that the resulting composition has a pH range of 4.5 to 6.0. A buffering compound can be added to the composition to reach the preferred pH range.